

530 Rec'd PCT/PTO 19 JUL 2002

PATENT

Attorney Docket No.: A-71327/DJB/MAK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

E.T.S.  
9/15/03

In re application of:

Karl FOGER, et al. ) Examiner: Not Yet Known  
Serial No.: 10/049,705 ) Group Art Unit: Not Yet Known  
U.S. Filing Date: 14 February 2002 )  
International Application No. PCT/AU00/00974 )  
I.A. Filing Date: 16 August 2000 )  
For: **Fuel Cell System** )

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TECHNOLOGY CENTER 1700

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, DC 20231 on 12 July 2002.

Signed: Todd V. Leone  
Todd V. LEONE

TRANSMITTAL OF POWER OF ATTORNEY

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed herewith to be made of record in the above-referenced U.S. patent application is an original Power of Attorney by Assignee executed on behalf of Ceramic Fuel Cells Limited. Attached hereto is a copy of the Assignment previously submitted to Box Assignments on 7 June 2002 for recordation evidencing ownership of the patent application by Ceramic Fuel Cells Limited.

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While applicants believe that no additional fees are due at this time, the Commissioner is nonetheless hereby authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (our Order No. A-71327/DJB/MAK).

Date: 11 July 2002

Respectfully submitted,

DORSEY & WHITNEY LLP

By: Michael A. Kaufman  
Michael A. KAUFMAN  
Reg. No. 32,998  
Attorneys for Applicants

Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
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Facsimile: (415) 398-3249

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RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Honorable Assistant Commissioner for Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Karl FOGER and Khalid AHMED

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of Conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: 18 April 2002 and 2 May 2002

2. Name and address of receiving party(ies):

Name: CERAMIC FUEL CELLS LIMITED

Internal Address: \_\_\_\_\_

Street Address: 170 Browns Road

City: Noble Park

State: Victoria Postal/ZIP Code: 3174

Country: AUSTRALIA

Additional name(s) & address(es) attached?

Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

10/049,705

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael A. KAUFMAN

Internal Address: DORSEY & WHITNEY LLP

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR § 3.41): ...\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 06-1300

Please debit any underpayment or credit any overpayment to the above deposit account.

Our Order No. A-71327/DJB/MAK  
(Attach duplicate of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Michael A. KAUFMAN

Name of Person Signing

*Michael A. Kaufman*

Signature

7 June 2002

Date

Total number of pages including cover sheet, attachments and document: [ 3 ]

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

Honorable Commissioner of Patents and Trademarks  
Box Assignments  
Washington, DC 20231

File No. A-71327/DJB/MAK

Rev. 8/93 (39811)

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**ASSIGNMENT**

WHEREAS, I/WE

- (1) **Karl FOGER**, an Australian citizen of 2 Macartney Avenue, Kew, Victoria 3101, Australia;  
(2) **Khaliq AHMED**, an Australian citizen of 27 Fairway Drive, Rowville, Victoria 3178, Australia;

hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in (TITLE)

**Fuel cell system**

the specification of which:

(a) [ ] was executed on even date herewith;

(b) [ ] was filed on \_\_\_\_\_ as [ ] Application No \_\_\_\_\_ or  
[ ] Express Mail No., as Application No. not yet known \_\_\_\_\_ and was amended  
on \_\_\_\_\_ (if applicable); or

(c) [x] was described and claimed in PCT International Application No **PCT/AU00/00974**  
filed on **16 August 2000**  
and as amended under PCT Article 19 on  
\_\_\_\_\_ (if any) and/or under PCT Article 34 on  
\_\_\_\_\_ (if any).

AND WHEREAS,

**CERAMIC FUEL CELLS LIMITED**, of 170 Browns Road, Noble Park, Victoria 3174, Australia

(hereinafter referred to as Assignee) desires to acquire the entire rights, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFOR, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

US  
PATENT

This 2<sup>nd</sup> day of May, 2001

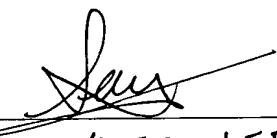
  
Signature of **Karl FOGER**

  
Witness

This 18<sup>th</sup> day of April, 2002

  
Signature of **Khaliq AHMED**

Witness

  
Signature  
**VICTOR LEE**

**POWER OF ATTORNEY BY ASSIGNEE**  
(Not Accompanying Application)

The undersigned assignee of the entire interest in application for letters patent entitled: FUEL CELL SYSTEM and having the named inventors Karl FOGER and Khalid AHMED, International Application No. PCT/AU00/00974, filed on or about 16 August 2000, and filed as U.S. Application Serial No. 10/049,705, filed on or about 14 February 2002, hereby appoints the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32:

Aldo J. Test, Reg. No. 18,048; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; Karen S. Smith, Reg. No. 31,426; Robert H. Pinsker, Reg. No. 42078; Steven M. Freeland, Reg. No. 42,555; Larry Mendenhall, Reg. No. 38,555; Diane J. Mason, Reg. No. 43,777; William E. Nuttle, Reg. No. 42,943; Renée M. Kossak, Reg. No. 47,717; Brian T. Clarke, Reg. No. 45,552; Anne M. Shyjan, Reg. No. 47,086; David C. Foster, Reg. No. 44,685; and Victor E. Johnson, Reg. No. 41,546; provided that if any one of said attorneys ceases being affiliated with the law firm of DORSEY & WHITNEY LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

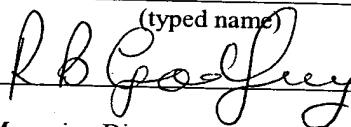
Direct all telephone calls to Michael A. KAUFMAN at (415) 781-1989.

Address all correspondence to:

DORSEY & WHITNEY LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187

Assignee: CERAMIC FUEL CELLS LIMITED

By: R. Bruce GODFREY

Signature:   
(typed name)

Title: Managing Director

Address: 170 Browns Road

Noble Park, Victoria 3174

AUSTRALIA

Date: 14 June, 2002

File No. A-71327/DJB/MAK

Form No. 1.09 SF-1083890v1